

GENERAL ORDINANCE NO. 18-09

AN ORDINANCE
AMENDING CHAPTER 25,
GREEN BAY MUNICIPAL CODE,
RELATING TO PARKS AND GREENWAYS

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 25.01, Green Bay Municipal Code, is hereby amended as follows:

PARKS AND PARKWAYS GREENWAYS

25.01 **PARK DISTRICT AND JURISDICTION.** The City shall constitute a single park district, and all City-owned parks shall be under the jurisdiction of the Park Committee. The jurisdiction of such Committee shall extend to all ~~parkways, boulevards, and pleasure drives~~ **parks and greenways** within the City. **Park and greenway policies established by the Committee must be adhered to.**

SECTION 2. Section 25.02, Green Bay Municipal Code, is amended as follows:

25.02 **DIRECTOR OF PARKS AND RECREATION DIRECTOR OF PARKS, RECREATION AND FORESTRY.** The members of the Committee shall engage a person skilled in the operation and management of parks, who shall be the ~~Director of Parks and Recreation~~ **Director of Parks, Recreation and Forestry** (hereinafter "Director"), to administer and enforce the policies and regulations adopted by such Committee under Ch. 27, Wis. Stats. The Director shall administer the operation of the combined departments of park, recreation, and forestry.

SECTION 3. Section 25.03, Green Bay Municipal Code, is hereby amended as follows:

25.03 **PROTECTION OF PARKS AND GREENWAYS.**

(1) (Amd. GO 20-99) No person shall play ball games, golf, archery, or paintball, or use any device which propels a projectile using the force of a compressed gas or a motorized toy in public parks **and greenways**, except in and upon areas designed for such purposes.

(2) ~~INJURY TO~~ **DAMAGE TO OR REMOVAL OF PLANTS.** No person shall pluck or cause ~~injury~~ **damage** to any flowers, plants, **fungi**, shrubs, or trees growing in any public park **or greenway**. **No person shall remove any plant, or parts of a plant, including fruit and seeds without permission of Park staff.**

(3) **CARE OF ~~BIRDS~~ OR REMOVAL OF ANY LIVING BIRD, ANIMAL, ANIMAL PARTS, OR NON-LIVING OBJECTS.** No person shall mistreat ~~or collect, remove from or add to (release of animals on site) from any City park or greenway any bird, animal, mammal, fish (outside of Urban Fishing Regulations for lagoon at Wildlife Sanctuary) reptile, amphibian or insect, nor remove nests, feathers, pellets, dens, antlers, and bones (including any approved research project) without permission of Park staff.~~ ~~any bird, fowl or animal or injure or remove any nest in the City parks.~~

(4) **~~INJURY DAMAGE TO OR REMOVAL OF PROPERTY.~~** No person shall ~~injure~~ **damage**, deface, destroy, steal, take, or carry away any equipment used in or about the City parks **and greenways**. **No person shall place equipment or items in parks and greenways (including, but not limited to, cameras, geo caches, deer stands, blinds, traps, etc.) without permission of Park staff.**

(5) **TRAIL USE IN PARKS AND GREENWAYS.** All persons are to remain on staff designated and marked nature trails for walking/hiking, and cross-country skiing. Biking shall only be allowed on trails so designated. After cross country ski trails have been groomed for the season, no activity that damages the groomed trails shall be permitted (i.e., ski skating, snowshoeing, walking, etc.) Wildlife Sanctuary nature trails are not open for public biking, skate skiing, or snowshoeing. At the Wildlife Sanctuary, walking off of the trails is not permitted unless conducting an approved research project.

SECTION 4. Section 25.04, Green Bay Municipal Code, is hereby amended as follows:

25.04 **CONDUCT IN PARKS AND GREENWAYS.**

(1) **TRAFFIC.** No automobile or other vehicle shall be driven within any park, except upon drives provided for that purpose, or at greater speeds than those posted; nor shall any person park an automobile or other vehicle in the parks, except in places designated therefor, unless ordered to do so by an officer on duty in the park. Except during department-sponsored events, no person shall park any vehicle anywhere in any City park between 10:30 P.M. and 6:30 A.M.

(2) **DISORDERLY CONDUCT.** Sec. 947.01, Wis. Stats., governing disorderly conduct, is adopted by reference and incorporated herein.

(3) **ALCOHOL BEVERAGES.** (Amd. GO 40-98)

(a) Prohibition. No person shall possess, consume, or offer for sale any alcohol beverages, as defined in §33.01(1), Green Bay Municipal Code, in any park, playground, athletic field or court, swimming or wading pool, or parking lot, except as provided below.

(b) Exceptions. (Amd. GO 26-01)

1. Consumption of fermented malt beverages, as defined in §33.01(4), Green Bay Municipal Code, shall be permitted until 9:00 P.M. in the picnic areas at the following parks: Bay Beach Amusement, Colburn, and Perkins.

2. Consumption of fermented malt beverages and intoxicating liquor, as defined in §33.01(6), Green Bay Municipal Code, shall be permitted in the pavilion (excluding the concession area) of Bay Beach Amusement Park and the shelter of the Triangle Sports Area in conjunction with the rental of these facilities by persons attending such event.

3. (Amd. GO 26-01) Excluding the Bay Beach Amusement Park Pavilion and Triangle Sports Pavilion, consumption of fermented malt beverages shall be permitted until 9:00 P.M. in conjunction with the rental of a park shelter by persons attending such event at parks designated by the Park Committee per written policy.

4. Consumption of fermented malt beverages shall be permitted in Joannes baseball stadium pursuant to any applicable lease agreement and subject to the licensing requirements of Ch. 33, Green Bay Municipal Code.

(4) Glassware and glass containers shall be prohibited in all City parks and greenways.

~~(4)~~ **(5) CONTROLLED SUBSTANCES.** No person shall possess, use, offer for sale, or sell any controlled substance, as defined in Ch. 161, Wis. Stats., within any public park.

~~(5)~~ **(6) SALES OF ARTICLES.**

(a) No person shall offer for sale or sell any article in any public park unless permission is first obtained from the Park Committee.

(b) This subsection shall be interpreted to include the advance sale of tickets or chips for material or merchandise to be delivered at a public park.

~~(6)~~ **(7) SALE OF SERVICES.** No person other than a City employee, official, or contractor shall sell or offer for sale any goods, merchandise, or services without prior approval by the Park Committee.

~~(7)~~ **(8) LITTERING.** No person shall place or leave any paper or refuse in any park except in the containers provided therefor.

~~(8)~~ **(9) ANIMALS PROHIBITED IN CITY PARKS AND FARMERS' MARKET LOCATIONS.** (Amd. GO 1-08) No domesticated or privately-owned animals shall be permitted in any part of any City park or Farmers' Market locations during market hours, except as may be approved from time to time by the Parks Department as part of a Parks Department program, including, but not limited to, programs for reducing fowl or other wildlife in City parks.

(a) Exceptions.

1. Dogs on a visible leash no longer than 7 feet are only allowed to be walked in parks on designated perimeter or pass through walkways or pathways, parking lots serving the walkways or pathways, and designated trails.

2. A dog owner/walker and its dog shall not loiter, stop, or stand in the parks or trails.

3. If a dog defecates while walking through a park, the dog owner/walker must clean up after the dog and remove such excreta from the park.

4. Dogs are prohibited at Bay Beach Amusement Park, Bay Beach Wildlife Sanctuary, and Ken Euers Nature Area.

5. The Director of Parks, Recreation, and Forestry, or designated staff, has the authority to issue citations in the event that verbal warnings regarding dogs in parks are ignored.

~~(9)~~ **(10) TRESPASS.** (Cr. GO 45-94)

(a) Personnel authorized by the Chief of Police or the Director of Parks and Recreation may eject a person from all City parks for a period of time if that person violates park rules, City ordinances, or State laws in a City park. Appeals may be made to the Director of Parks and Recreation or the Director's designee.

(b) It shall be unlawful for a person to enter a City park during the period of ejection under (a) above.

(c) Parental Violation. A parent, guardian, or other person having custody of an unemancipated minor child, who has been advised of the child's ejection from the City parks, may be cited if the child trespasses in a City park in violation of (b) above. Citations may be issued under this subsection regardless of whether the child is cited. "Custody" has the same meaning as in §895.035(1)(a) and (b), Wis. Stats.

~~(10)~~ **(11) PARKS CLOSED AT NIGHT.** (Cr. GO 45-94) No person shall loiter, idle, or remain in a City park between the hours of 10:30 P.M. and 6:00 A.M., unless he or she is attending a Park Department sponsored or approved activity.

(12) SMOKING. Smoking is prohibited as follows:

(a) In all City park shelters and facilities and within 10 feet of such shelters and facilities.

(b) At the following locations at Bay Beach Amusement Park:

- 1. on any amusement ride or attraction;**
- 2. in the pavilion, train depot, any concession stand, or ticket booth; and**
- 3. the paved areas surrounding said amusement rides and attractions, ticket booths, and concession stands.**

(c) At all locations at the Bay Beach Wildlife Sanctuary.

~~(11) SMOKING AT BAY BEACH AMUSEMENT PARK. (Cr. GO 25-05)~~
~~Smoking is prohibited at Bay Beach Amusement Park in the following places:~~

~~—— (a) on any amusement ride or attraction;~~

~~—— (b) in the pavilion, train depot, any concession stand, or ticket booth; and~~

~~—— (c) the paved areas surrounding said amusement rides and attractions, ticket booths, and concession stands.~~

SECTION 5. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 6. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this 2nd day of June, 2009.

APPROVED:

/s/ James J. Schmitt
Mayor

ATTEST:

/s/ Chad J. Weininger
Clerk

bc

First Reading: 5/19/09
Effective Date: 6/6/09